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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,320	04/18/2001	Yasuto Tohi	Q64147	8325

7590 05/18/2006  
SUGHRUE, MION, ZINN,  
MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/836,320	TOHI ET AL.	
	Examiner	Art Unit	
	Lalita M. Hamilton	3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>April 18, 2001</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hayes (2002/0138399).

Hayes discloses a method for creating and using peer-to-peer trading comprising a step of communicating a wheel basic specification of a wheel-basic-specification-designating company to a customer, a step of communicating a request for a partially special specification of the customer as corresponding to the wheel basic specification, to a wheel maker, a step of manufacturing a specification-completed wheel incorporating the partially special specification in the wheel basic specification by a manufacturing means which the wheel maker uses, and a step of delivering the specification-completed wheel manufactured by the wheel maker to the customer (p.10, 132-146 and p.11, 159-167); a step of communicating a wheel basic specification of a wheel-basic-specification-designating company to a customer by a transmission means, a step of communicating a request for a partially special specification of the customer as corresponding to the wheel basic specification, to wheel maker by a transmission means, a specification-completed wheel incorporating the partially special specification in the wheel basic specification by a manufacturing means which the wheel maker uses,

Art Unit: 3624

and a step of manufacturing (p.10, 132-146 and p.11, 159-167); a step of delivering the specification-completed wheel manufactured by the wheel maker to the customer, step of communicating a wheel basic specification of a wheel maker to a customer by a transmission means, a step of communicating a request for a partially special specification of the customer as corresponding to the wheel basic specification, to the wheel maker by transmission means, a step of manufacturing a specification-completed wheel incorporating the partially special specification in the wheel basic specification by a manufacturing means which the wheel maker uses, and specification-completed wheel manufactured by the wheel maker to the customer wherein a step of delivering the wheel-basic-specification-designating company is the wheel maker (p.10, 132-146 and p.11, 159-167); a step of communicating a wheel basic specification of a wheel maker to a customer via a wheel broker by a transmission means, a step of communicating a request for a partially special specification of the customer as corresponding to the wheel basic specification, to the wheel maker by a transmission means via the wheel broker by means, a transmission a step of manufacturing a specification-completed wheel incorporating the partially special specification in the wheel basic specification by a manufacturing means which the wheel maker uses, and a step of delivering the specification-completed wheel manufactured by the wheel maker to the customer wherein a wheel-basic-specification-designating company is the wheel maker (p.10, 132-146 and p.11, 159-167); communicating a wheel basic specification of a wheel supplier to a wheel maker by a transmission means, a step of communicating the wheel basic specification from the wheel supplier to the wheel maker transmission

Art Unit: 3624

by a means, a step of communicating a request for a partially special specification of the customer as corresponding to the wheel basic specification, to the wheel supplier by a transmission means, a step of communicating a request for the partially special specification from the wheel supplier to the wheel maker by a transmission means, a step of manufacturing a specification-completed wheel incorporating the partially special specification in the wheel basic specification by a manufacturing means which the wheel maker uses, and a step of delivering the specification-completed wheel manufactured by the wheel maker to the customer wherein a wheel-basic-specification-designating supplier (p.10, 132-146 and p.11, 159-167); a step of communicating a wheel basic specification of a wheel maker to a customer via a wheel supplier by a transmission means, a step of communicating a request for a partially special specification of the customer as corresponding to the wheel basic specification, to the wheel maker via the wheel supplier by a transmission means, a step of manufacturing a specification-completed wheel incorporating the partially special specification in the wheel basic specification by a manufacturing means which the wheel maker uses, and a step of delivering the wheel manufactured by specification-completed the wheel maker to the customer wherein a wheel-basic-specification-designating company is the wheel maker (p.10, 132-146 and p.11, 159-167); the partially special specification is a specification provided with at least one of name, character, mark, family crest, picture, partially individual coating, sensor, and LED (p.10, 132-146 and p.11, 159-167—may be any user specification); the transmission means includes a communication network, and respective transactions between the wheel maker and the customer, between the wheel

Art Unit: 3624

maker, the wheel broker, and the customer, and between the wheel maker, the wheel supplier, and the customer through the communication network are performed by using terminal devices of the wheel maker, the customer, the wheel broker, and the wheel supplier (p.10, 132-146 and p.11, 159-167); the vehicle wheel includes a wheel made of a light alloy for an automobile and the partially special specification includes a name (p.10, 132-146 and p.11, 159-167); the transmission means includes a communication network, and respective transactions between the wheel maker and the customer, between the wheel maker, the wheel broker, and the customer, and between the wheel maker, the wheel supplier, and the customer through the communication network are performed by using terminal devices of the wheel maker, the customer, the wheel broker, and the wheel supplier (p.10, 132-146 and p.11, 159-167); the transmission means includes a communication network, and respective transactions between the wheel maker and the customer, between the wheel maker, the wheel broker and the customer, and between the wheel maker, the wheel supplier, and the customer through the communication network are performed by using terminal devices of the wheel maker, the customer, the wheel broker, and the wheel supplier (p.10, 132-146 and p.11, 159-167); and transmission means includes a communication network, and respective transactions between the wheel maker and the customer, between the wheel maker, the wheel broker, and the customer, and between the wheel maker, the wheel supplier, and the customer through the communication network are performed by using terminal devices of the wheel makers the customer, the wheel broker, and the wheel supplier (p.10, 132-146 and p.11, 159-167). The specification of the user may be any type of

specification that the user desires for any type of product, including tires. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate any type of specification for a product into the invention to obtain the desired tire product.

***Provisional Application Listed on PTO-892 form***

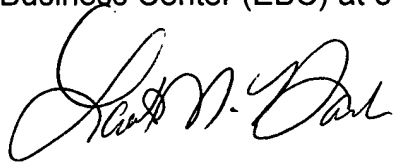
If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lalita M. Hamilton', is written over the printed name.

Lalita M. Hamilton  
Primary Examiner, 3624